

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GLOCK, INC.,)	
)	
Plaintiff,)	
)	Case No. 1:12-CV-0136-AT
v.)	
)	
GLOBAL GUNS & HUNTING,)	
INC. d/b/a OMB GUNS and)	
JOHN RALPH, III,)	
)	
Defendants.)	

**GLOCK, INC.’S RESPONSE TO THE SEPTEMBER 30, 2016 ORDER
REGARDING THE AUGUST 8-10, 2017 DAMAGES HEARING**

COMES NOW Plaintiff Glock, Inc. (“Glock”) by and through counsel, and respectfully submits its response to the September 30, 2016 Order regarding the exhibits that it may seek to introduce into evidence during the damages hearing scheduled for August 8-10, 2017.

EXHIBIT NO. 45 – DISK CONTAINING DATA FILES

Exhibit No. 45 is a disk containing the QuickBooks (.qbb) and eBound (.mdb) data that defendant Global Guns & Hunting, Inc. d/b/a OMB Guns (“OMB Guns”) produced in discovery response to Judge Shoob’s May 24, 2012 Order. In an email dated October 11, 2016, John Ralph, III (“Ralph”) stated that the

“computer system used here at Yankton Federal Prison Camp was NOT able to read the disc supplied by the Plaintiff [*sic*] (Glock) and ask[ed] that the documents be sent” to him at the prison.

These files can be accessed using the QuickBooks Enterprise and eBound acquisition and disposition software that OMB used to conduct its business. The files on the disk cannot simply be printed and produced to Ralph in paper format. The data that OMB produced in response to Judge Shoob’s Order are not limited to information relevant to the claims in this case. The .qbb file is a copy of all of the data used in OMB’s QuickBooks software. It contained information on all products bought and sold by OMB, not just Glock pistols, as well as information related to employee benefits, operating expenses, etc.

To the extent it is even possible to print paper copies of all of the information contained in this data file, it would amount to at least hundreds of thousands, and probably millions, of pages of irrelevant documents. Similarly, the .mbb file that OMB produced contains information on every single firearm that it bought or sold, not just pistols that it acquired from Glock. It contains information on the acquisition and disposition of approximately 243,627 firearms by OMB. Printing all of this data would result in hundreds of thousands of pages of irrelevant documents.

Glock is not affirmatively using these data files to establish its damages, but has rather listed them as exhibits out of an abundance of caution to avoid any evidentiary objections. The documents that constitute Exhibit No. 9 (OMB QuickBooks invoices and eBound records for converted LE pistols to commercial market) were printed from OMB's data that are contained on the disk marked as Exhibit No. 45. Paper copies of those documents, Bates Nos. GI-OMB 1-5703, have already been provided to Ralph. No other information that could be obtained from the data files that constitute Exhibit No. 45 was extracted and produced during the discovery phase of this case. Nevertheless, to the extent that Ralph desires to review the information contained in these data files, he will have an opportunity to do so after he is released from prison because the damages hearing has been adjourned for a year at his request.¹

¹ The damages hearing was adjourned to August 8-10, 2017 and, during the September 21, 2016 hearing, Ralph advised that he is scheduled to be released from prison no later than June 27, 2016, and could be released as early as June 5, 2017 for good behavior. Ralph specifically requested that the damages hearing be adjourned so that he would have "sufficient access and ability to review needed and relevant documents in order to prepare himself for the hearing." Mot. to Continue the Hearing Scheduled for Sept. 12, 2016 at 1 (Doc. No. 206). In addition, OMB had paper copies of many of the documents that could be printed from the data files contained on the disk marked as Exhibit No. 45, which described as amounting to roughly 2,000 or more bankers boxes. *Id.* Ralph will therefore have an opportunity to review this information before the damages hearing, after he is released from prison.

EXHIBIT NOS. 46-50 – LEGAL INVOICES

Exhibit Nos. 46-50 constitute legal invoices that Glock received from its attorneys of record, Renzulli Law Firm, LLP and Miller & Martin PLLC in connection with this case.

Exhibit No. 46 consists of the legal invoices from Renzulli Law Firm, LLP regarding the investigation into allegations that defendants had been paying bribes to Craig Dutton and Bo Wood. Redacted copies of those invoices were attached to Exhibit No. 25, the July 7, 2015 Affidavit of Carlos Guevara. As noted in that Affidavit, Glock “requires its counsel to submit detailed statements identifying the legal services performed and the reason for which expenses were incurred. The descriptions of the fees and expenses contained in the above statements therefore include information covered by the attorney-client privilege and attorney work product doctrine, including strategy.” Ex. No. 25 ¶ 4.

Exhibit Nos. 47-48 will be composite exhibits containing all legal invoices from Renzulli Law Firm, LLP and Miller & Martin PLLC respectively in connection with this case, for the period through July 31, 2017. Exhibit Nos. 49-50 will be composite exhibits containing all legal invoices from Renzulli Law Firm, LLP and Miller & Martin PLLC respectively in connection with this case, for the period from August 2017, through the final conclusion of this case,

including any appeal. Accordingly, there is no way that the several months' worth of the invoices that will comprise Exhibit Nos. 47-48 can be produced to Ralph at this time. In addition, it is not possible to produce any of the invoices that will comprise Exhibit Nos. 49-50 to Ralph before the August 8-10, 2017 damages hearing, because they all relate to work that is to be performed in connection with, and subsequent to, the damages hearing.

Based on the above, the total amount of the costs and attorney fees that Glock will be seeking in this case will not be determined before the August 8-10, 2017 damages hearing. Accordingly, Glock respectfully requests that this Court determine whether it will be awarding costs and attorney fees to Glock as part of the default judgment, and on which base(s) against each defendant, during the damages hearing. Pursuant to this Court's March 30, 2015 Order, "[a]ny entitlement to an award of [reasonable attorneys' fees, pursuant to provisions in the LE and Commercial Agreements; Georgia's RICO Act, O.C.G.A. § 16-4-6(c); and the Lanham Act, 15 U.S.C. § 1117] and expenses will be determined after trial and entry of final judgment in accordance with the procedure set forth in Local Rule 54.2." *Id.* at 51.

Local Rule 54.2(A)(2) provides for filing a special written motion, supported by a detailed specification and itemization of the requested award and other

supporting documentation after the entry of final judgment. Based on the above provisions, Glock proposes to provide a complete copy of all legal invoices that will constitute Exhibit Nos. 47-48² to Ralph after the conclusion of the damages hearing and entry of final judgment, in connection with a special written motion pursuant to Local Rule 54.2(A)(2).

Dated: Atlanta, Georgia
October 24, 2016

Respectfully submitted,

By: /s/Michael P. Kohler

Christopher E. Parker

Georgia Bar No. 562152

Michael P. Kohler

Georgia Bar No. 427727

MILLER & MARTIN PLLC

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– and –

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Attorneys for Plaintiff Glock, Inc.

² These legal invoices will have the description of the work performed redacted. Unredacted copies will be available for the Court's review *in camera* if requested.

CERTIFICATE OF COMPLIANCE WITH LR 7.1(D)

I certify that the foregoing Response to the September 30, 2016 Order Regarding Exhibits has been prepared using Times New Roman 14 point font, one of the approved font and point selections specified in LR 5.1(C), NDGa.

By: /s/Michael P. Kohler

Michael P. Kohler.

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Atlanta, GA 30309

Attorneys for Plaintiff Glock, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2016, I served Glock, Inc.'s Response to the September 30, 2016 Order Regarding Exhibits by U.S. Mail, postage prepaid, addressed to:

Global Guns & Hunting, Inc. d/b/a OMB Guns
15765 S. Keeler Street
Olathe, KS 66062

– and –

John Sullivan Ralph
Register Number: 24538-031
FPC Yankton
Federal Prison Camp
P.O. Box 700
Yankton, SD 57078

By: /s/Michael P. Kohler
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